

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Case No. CIV-16-827-M
ALL U.S. CURRENCY, FUNDS, AND)
OTHER MONETARY INSTRUMENTS,)
TOTALLING NO MORE THAN)
\$610,800.00 CREDITED TO OR SEIZED)
FROM ACCOUNT XXXX-XX-1667)
HELD IN THE NAME OF TREVO LLC,)
LOCATED AT WELLS FARGO, and)
TREVO, LLC,)
Defendant(s).)

REPORT AND RECOMMENDATION

Claimant/third party Plaintiff Ronald Scholten, has filed an Application to Proceed in District Court without Prepaying Fees or Costs (Motion) (ECF No. 25). United States District Court Judge Vicki Miles-LaGrange has referred the matter to the undersigned magistrate judge consistent with 28 U.S.C. § 636. Mr. Scholten has also filed an Affidavit (ECF No. 9), a Claim of Interest (ECF No. 20) and an Answer (ECF No. 24) in response to the United States of America's Verified Complaint for Forfeiture *in Rem* (ECF No. 1). There is no filing fee associated with the documents the Court has received from Mr. Scholten as a claimant/third party Plaintiff. Therefore, leave to proceed without prepaying fees or costs is not required. Accordingly, the Court should **DENY** the Motion (ECF No. 25) as it is **MOOT**.

The parties are advised of their right to file an objection to the Report and Recommendation with the Clerk of this Court by **November 28, 2016** in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. The parties are further advised that any failure to make timely objection to this Report and Recommendation waives the right to appellate review of the factual and legal issues addressed herein.

Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

This Report and Recommendation **disposes of all issues** referred to the undersigned magistrate judge in the captioned matter.

ENTERED on November 14, 2016.



SHON T. ERWIN
UNITED STATES MAGISTRATE JUDGE